PART IV

Section 1-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 119 LCA 65, dated Bangalore, 25th February—4th March 1966.

Ordered that the Criminal Law Amendment (Amendment) Bill, 1965 (Lok Sabha Bill No. 85 of 1965), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 2, dated the 3rd December 1965, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Govt., L. D.

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 3rd December, 1965:—

BILL NO. 85 OF 1965

A Bill further to amend the Criminal Law Amendment Act, 1952.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Criminal Law Amendment (Amendment) Act, 1965.

2. *Amendment of section 8.*—In sub-section (3A) of section 8 of the Criminal Law Amendment Act, 1952 (46 of 1952) (hereinafter referred to as the principal Act), for the word and figures "section 350", the words and figures "sections 350 and 549" shall be substituted.

3. *Insertion of new section 11.*—After section 10 of the principal Act, the following section shall be inserted, and shall be deemed always to have been inserted, namely :—

"11. *Military, naval and air force laws not to be affected.*—(1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under any military, naval or air force law.

(2) For the removal of doubts it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), the Court of the special Judge shall be deemed to be a court of ordinary criminal justice.".

4. *Validation and indemnity.*—No trial or other proceeding held or taken before, and no sentence passed by a court-martial or any other authority under any military, naval or air force law before the commencement of the Criminal Law Amendment (Amendment) Act, 1965, shall be called in question in any court merely on the ground that the court-martial or other authority had no jurisdiction by virtue of the provisions of the Criminal Law Amendment Act, 1952 (46 of 1952) and all such trials, proceedings and sentences shall, notwithstanding any judgment or order of any court, be as valid and operative as if they had been held, taken or passed in accordance with law; and accordingly no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such trial, proceeding or sentence was not held, taken or passed in accordance with law.

STATEMENT OF OBJECTS AND REASONS

Under section 7 (1) of the Criminal Law Amendment Act, 1952, notwithstanding anything contained in the Code of Criminal Procedure or in any other law, the offences specified in section 6 (1) of the Act are triable by special Judges only. In the light of the judgment of the Supreme Court in Major E. G. Barsay *v.* State of Bombay (A.I.R 1961 S.C. 1762), the view has been taken that the exclusive jurisdiction conferred upon the special Judge by section 7 (1) of the Act would exclude the trial by a court-martial or other authority of any offence, the facts of which are such as to constitute an offence under section 6 (1) of the Act. The view on which the military authorities have been proceeding so far, however, is that the jurisdiction in this respect is concurrent. It has, therefore, become necessary to amend the Act so as to insert a new section therein, as from the commencement of the Act, to save the jurisdiction exercisable by a court martial or other authority under the Army, Navy and Air Force Acts and to validate the trials held, proceedings taken and sentences passed by courts-martial and other competent authorities.

The Bill is intended to achieve the above objects.

NEW DELHI;
The 25th November, 1965.

JAISUKHLAL HATHI.